761551N25A - SH-AD (11/90)




DATE: February 3, 2004

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: ERIC K. HAMILTON, CAPTAIN
COMPTON STATION
JAMES R. LOPEZ, CAPTAIN
CENTURY STATION
DANIEL FINKELSTEIN, CAPTAIN
TRANSIT SERVICES BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 21, 2001, INVESTIGATION #2088294**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the hit shooting incident which occurred on November 21, 2001.

The Committee met on January 29, 2004, and consisted of myself and Commanders Dennis Conte (Commander of the Department) and Michael Savidan (Leadership & Training Division). The Committee deemed:

- as **Unfounded** the allegation that Deputy Patrick O'Brien #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Patrick O'Brien #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Angelica Vargas #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Angelica Vargas #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Richard Conley #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Richard Conley #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards,and
- as **Unfounded** the allegation that Deputy Ezequiel Varela #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Ezequiel Varela #[redacted] violated the

Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and

- as **Unfounded** the allegation that Deputy [redacted] # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy [redacted] # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Neil Kimball # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Neil Kimball # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Tina Kelley # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Tina Kelley # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Frank Montoya # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Frank Montoya # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Anthony Willis # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Unfounded** the allegation that Deputy Anthony Willis # [redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards.

The Committee additionally directed the Unit Commanders to conduct extensive debriefings of the involved personnel regarding the Committee's tactical concerns.

JGJ:KRK:kk

# TABLE OF CONTENTS

# Los Angeles County Sheriff's Department
# Officer Involved Shooting



| Report Date: | Bureau/Station/Facility: | Admin. Invest.? | Hit? |
|---|---|---|---|
| 01-16-2004 | CENTURY & COMPTON STATIONS &TRANSIT SERVICES BUREAU | ☒ | ☒ |

## Incident Information

| | | | |
|---|---|---|---|
| URN: 001-22550-2199-057 | Date: 11-10-2001 | Time: 2108 | |
| City or Station: COMPTON | Nature of Incident: DEPUTIES SHOT SUSPECT AFTER HE ATTEMPTED TO RUN OVER THEM AT THE TERMINUS OF A PURSUIT. | | |
| Location: KEMP AVENUE & ARBUTUS STREET COMPTON | | | |

**Location Type** (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
(Residence) — circled
Rural
School
(Street) — circled
Other: ________

**Lighting** (*circle only one*):
Darkness
Daylight
Other
(Street Lights) — circled

**Weather** (*circle only one*):
(Clear) — circled
Cloudy
Fog
Rain

**Distance:** 10-25 FEET

**Incident Type** (*circle one or more*):
Accidental
Armed Person
(Fleeing Suspect) — circled
Foot Pursuit
Gun Take Away
(Moving Vehicle) — circled
Sniper/Ambush
Startle
Struggle Involved
(Traffic Stop) — circled
(Unarmed Person) — circled
Unintentional
(Vehicle Pursuit) — circled
Warrant Service
Other: ________

**Initiated by** (*circle only one*):
Arrest Warrant
Call
(Observation) — circled
One Person Unit
Other
Search Warrant
Two Person Unit

**Prior Activity** (*circle only one*):
Detective
Inmate Transport
Other
(Routine Patrol) — circled

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect | Aero Unit? | Canine Unit? |
|---|---|---|---|
| 67 | 0 | ☒ | ☐ |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*) | ShiftType (*circle only one*) |
|---|---|---|---|---|---|
| [redacted] | ARCHULETA | ALBERT | | EM (PM) Day | (Regular) Overtime Off Duty |
| [redacted] | VOGE | MICHAEL | | EM (PM) Day | (Regular) Overtime Off Duty |
| [redacted] | GRANEK | MICHAEL | | EM (PM) Day | (Regular) Overtime Off Duty |

## Non-Employee Witnesses

| Last Name | First Name | M.I. | | | |
|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | | | |
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** | |
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | |
| **Last Name** | **First Name** | **M.I.** | | | |
| | | | | | |
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** | |
| | | | | | |
| **Last Name** | **First Name** | **M.I.** | | | |
| | | | | | |
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** | |
| | | | | | |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*circle one or more*) | |
|---|---|---|---|---|---|
| [redacted] | MEEDER | BRIAN | A. | (On Duty) — circled; Present during shooting | Witness to shooting; Involved in shooting |
| [redacted] | ARRIAGA | MICHAEL | S. | (On Duty) — circled; Present during shooting | Witness to shooting; Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | LEYVA | ALBERT | |

| PSTD Use Only |
|---|
| SH # SH2088294 |

SH-R-438A rev. 3/97

See Reverse

# Officer Involved Shooting

URN: 001-22550-2199-057



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 01-11-2001 | 0200 | 01-16-2004 | |

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | GLOVER | WILLA | J. |
| [redacted] | GOODEN | JOSEPH | M. |
| [redacted] | GREENE | JERRY | S. |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(ER) Bruise
(EU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) 22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| E#1-#9 | S#1 | FH | BR | 9 | Y | Y | DH | HE |
| S#1 | E#1-#9 | OV | | | | | NN | |
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See Front Side



# Officer Involved Shooting
## Involved Employee Information

URN: 001-22550-2199-057



### Involved Employee

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: VARGAS | First Name: ANGELICA | M.I.: P. |
| Sex: F Race: H | Rank: DEPUTY | Unit Assignment: CENTURY STATION | Work Assignment (Unit #, Module, etc.): 214E |
| ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: — Interviewed? ☒ |
| Hrs of sleep prior to shooting: 7 | Duty [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: 5' 2" | Weight: 112 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit [redacted] | Prior Shootings? ☒ Number of Prior Shootings: 1 |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

**E 2**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: O'BRIEN | First Name: JOHN | M.I.: P. |
| Sex: M Race: W | Rank: DEPUTY SHERIFF | Unit Assignment: CENTURY STATION | Work Assignment (Unit #, Module, etc.): 214E |
| ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: — Interviewed? ☒ |
| Hrs of sleep prior to shooting: 6 | Duty [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: 5' 7" | Weight: 180 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit [redacted] | Prior Shootings? [redacted] Number of Prior Shootings: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

**E 3**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: CONLEY JR. | First Name: RICHARD | M.I.: L. |
| Sex: M Race: W | Rank: DEPUTY SHERIFF | Unit Assignment: CENTURY STATION | Work Assignment (Unit #, Module, etc.): 213F |
| ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: — Interviewed? ☐ |
| Hrs of sleep prior to shooting: 7 | Duty T[redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: 5' 10" | Weight: 190 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit [redacted] | Prior Shootings? ☒ Number of Prior Shootings: 2 |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

See Other Side



# Officer Involved Shooting
# Involved Employee Information

URN: 001-22550-2199-057



## Involved Employee

**E 4**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name VARELA | | First Name EZEQUIEL / M.I. |
| Sex: M / Race: H | Rank DEPUTY SHERIFF | Unit Assignment: CENTURY STATION | Work Assignment (Unit #, Module, etc.): 213F |
| ShiftTime (*circle only one*): (EM) PM Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # / Interviewed? ☐ |
| Hrs of sleep prior to shooting: 7 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] / Height: 5' 10" | Weight: 250 | | |
| Range Qualification Date: [redacted] | | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |

**E 5**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |
| Sex: [redacted] / Race: [redacted] | Rank [redacted] | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted] |
| ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): [redacted] | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # / Interviewed? ☐ |
| Hrs of sleep prior to shooting: [redacted] | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] / Height: [redacted] | Weight: [redacted] | | |
| Range Qualification Date: [redacted] | | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |

**E 6**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name KIMBALL | | First Name NEIL / M.I. D. |
| Sex: M / Race: W | Rank DEPUTY SHERIFF | Unit Assignment: CENTURY STATION | Work Assignment (Unit #, Module, etc.): 213H |
| ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # / Interviewed? ☐ |
| Hrs of sleep prior to shooting: 7 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] / Height: 6' 1" | Weight: 175 | | |
| Range Qualification Date: [redacted] | | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] / M.I. [redacted] |



# Officer Involved Shooting
# Involved Employee Information

URN: 001-22550-2199-057



## Involved Employee

**E 7**

| Field | Value |
|---|---|
| Employee # | [redacted] |
| Last Name | KELLEY |
| First Name | TINA |
| M.I. | M. |
| Sex | F |
| Race | W |
| Rank | DEPUTY SHERIFF |
| Unit Assignment | TRANSIT SERVICES BUREAU |
| Work Assignment (Unit #, Module, etc.) | 602F |
| ShiftTime (*circle only one*): EM / PM / Day | PM (circled) |
| ShiftType (*circle only one*): Regular / Overtime / Off Duty | Regular (circled) |
| Intoxication/Drug Usage? | ☐ |
| Substance Used | |
| Hospital Admission? | ☐ |
| Hospital Name | |
| Coroner Case? | ☐ |
| Coroner Case # | |
| Interviewed? | ☒ |
| Hrs of sleep prior to shooting | 7 |
| Duty Time (hrs) | [redacted] |
| Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest | Uniform w/ Vest (circled) |
| Other Factors | |
| Age | [redacted] |
| Height | 5' 7" |
| Weight | 175 |
| Range Qualification Date | [redacted] |
| PPC Qualification Date | [redacted] |
| Laser Training Date | [redacted] |
| Certified with Weapon Used? | [redacted] |
| Patrol Certification? | [redacted] |
| Certification Unit | [redacted] |
| Prior Shootings? | [redacted] |
| Number of Prior Shootings | [redacted] |
| Field Training Officer Emp # / Last Name / First Name / M.I. | [redacted] |
| Field Training Officer Emp # / Last Name / First Name / M.I. | [redacted] |

**E 8**

| Field | Value |
|---|---|
| Employee # | [redacted] |
| Last Name | MONTOYA |
| First Name | FRANK |
| M.I. | R. |
| Sex | M |
| Race | H |
| Rank | DEPUTY SHERIFF |
| Unit Assignment | COMPTON STATION |
| Work Assignment (Unit #, Module, etc.) | 284F |
| ShiftTime (*circle only one*): EM / PM / Day | PM (circled) |
| ShiftType (*circle only one*): Regular / Overtime / Off Duty | Regular (circled) |
| Intoxication/Drug Usage? | ☐ |
| Substance Used | |
| Hospital Admission? | ☐ |
| Hospital Name | |
| Coroner Case? | ☐ |
| Coroner Case # | |
| Interviewed? | ☒ |
| Hrs of sleep prior to shooting | 7-8 |
| Duty Time (hrs) | [redacted] |
| Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest | Uniform w/ Vest (circled) |
| Other Factors | |
| Age | [redacted] |
| Height | 5' 10" |
| Weight | 165 |
| Range Qualification Date | [redacted] |
| PPC Qualification Date | [redacted] |
| Laser Training Date | [redacted] |
| Certified with Weapon Used? | [redacted] |
| Patrol Certification? | [redacted] |
| Certification Unit | [redacted] |
| Prior Shootings? | [redacted] |
| Number of Prior Shootings | [redacted] |
| Field Training Officer Emp # / Last Name / First Name / M.I. | [redacted] |
| Field Training Officer Emp # / Last Name / First Name / M.I. | [redacted] |

**E 9**

| Field | Value |
|---|---|
| Employee # | [redacted] |
| Last Name | WILLIS |
| First Name | ANTHONY |
| M.I. | |
| Sex | M |
| Race | W |
| Rank | DEPUTY SHERIFF |
| Unit Assignment | COMPTON STATION |
| Work Assignment (Unit #, Module, etc.) | 281 |
| ShiftTime (*circle only one*): EM / PM / Day | PM (circled) |
| ShiftType (*circle only one*): Regular / Overtime / Off Duty | Regular (circled) |
| Intoxication/Drug Usage? | ☐ |
| Substance Used | |
| Hospital Admission? | ☐ |
| Hospital Name | |
| Coroner Case? | ☐ |
| Coroner Case # | |
| Interviewed? | ☐ |
| Hrs of sleep prior to shooting | 7 |
| Duty Time (hrs) | [redacted] |
| Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest | Uniform w/ Vest (circled) |
| Other Factors | |
| Age | [redacted] |
| Height | 6' |
| Weight | 190 |
| Range Qualification Date | [redacted] |
| PPC Qualification Date | [redacted] |
| Laser Training Date | [redacted] |
| Certified with Weapon Used? | [redacted] |
| Patrol Certification? | [redacted] |
| Certification Unit | [redacted] |
| Prior Shootings? | [redacted] |
| Number of Prior Shootings | [redacted] |
| Field Training Officer Emp # / Last Name / First Name / M.I. | [redacted] |
| Field Training Officer Emp # / Last Name / First Name / M.I. | [redacted] |

See Other Side

# Officer Involved Shooting Suspect Information

URN: 001-22550-2199-057



## Suspect Information

**S 1**

| | | | |
|---|---|---|---|
| Last Name: HOWARD | | First Name: LORENZO | M.I.: NONE |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: M Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 38 D.O.B. 07-23-63 | Height: 5' 11' Weight: 205 | FBI #: [redacted] | CII #: [redacted] |
| Booking #: NONE | Primary Charge: 245 (C)P.C. | Secondary Charge: NONE | |
| Coroner Case? ☒ | Coroner Case #: 2001-08189 | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: HONDA | | Model: CIVIC | Year: 1984 |

**S 2**

| | | | |
|---|---|---|---|
| Last Name: NORTON | | First Name: BENNY | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: M Race: BLACK | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 46 D.O.B. 01-20-55 | Height: 6' 1" Weight: 220 | FBI #: [redacted] | CII #: [redacted] |
| Booking #: 7078817 | Primary Charge: 245 (C)P.C. | Secondary Charge: NONE | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: HONDA | | Model: CIVIC | Year: 1984 |

**S __**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

**S __**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |



See Other Side

# SUPPLEMENTAL EMPLOYEE WITNESSES
## Los Angeles County Sheriff's Department



**Employee Witnesses**

| Last Name | First Name | M.I. | Street Address | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|---|---|
| MOLNER #[redacted] | BRADD | | COMPTON STATION | | | |
| MONTENEGRO #[redacted] | AMBER | | CENTURY STATION | | | |
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# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director


February 20, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 01-1122
L.A.S.D. File # 001-22550-2199-057

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 10, 2001 fatal shooting of Lorenzo Howard by Los Angeles County Sheriff's Deputies John O'Brien, Angelica Vargas, Neil Kimball, Frank Montoya, Anthony Willis, Tina Kelley, [redacted] Ezequiel Varela and Richard Conley. We have concluded that each deputy acted lawfully in self-defense and in the defense of others.

The following analysis is based upon examination of the 246-page report submitted to this office on September 10, 2002 by Detectives Danny Smith and Robert Kenney of the Sheriff's Homicide Bureau. The District Attorney's Command Center was notified of the shooting on November 10, 2001, at 11:25 p.m. Deputy District Attorney Kraig St. Pierre and District Attorney Senior Investigator [redacted] responded to the location of the shooting and were given a briefing and a "walk-through" by Lieutenant Dan Rosenberg of the Sheriff's Homicide Bureau. District Attorney personnel then participated in interviews of civilian witnesses at the shooting scene.

## FACTUAL ANALYSIS

On November 10, 2001, at approximately 11:09 p.m., Compton Station Sheriff's Deputies O'Brien and Vargas were on routine patrol travelling westbound on El Segundo Boulevard approaching Grandee Avenue in the city of Compton when they observed a 1990 Honda Civic driving during darkness with its headlights off. Deputy O'Brien


Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://www.co.la.ca.us/da

flashed his lights to signal the driver, later determined to be Lorenzo Howard, to turn on the headlights. Deputy O'Brien observed two adult males in the front seat of the car. The Honda proceeded to the intersection of El Segundo Boulevard and Grandee Street, drove through the red light and accelerated away from the intersection. The Honda continued on El Segundo Boulevard to Wilmington Avenue while straddling the divider between the first and second lanes. The Honda once again drove through a red light at the intersection of Wilmington Avenue.

Believing that the driver was possibly under the influence, Deputy O'Brien activated his emergency lights and siren to initiate a traffic stop. Deputy Vargas requested assistance over the Sheriff's radio. Howard drove through two additional red lights and failed to stop at a stop sign. Additional deputies joined in the pursuit.

As Howard attempted to turn south on to Grape Street, his car hit the curb on the southwest corner of 131st Street. The Honda came to a stop and Deputy O'Brien stopped his patrol car behind it. As Deputy O'Brien ordered the occupants to get out of the car, he observed the Honda's reverse warning lights come on. Deputy O'Brien had one foot on the ground outside of his patrol car when the Honda accelerated quickly in reverse, striking the push-bar on the front of the patrol vehicle. The patrol vehicle jolted backward. The Honda then drove forward, stopped, reversed and backed up rapidly into the patrol vehicle a second time.

Howard then turned and proceeded west on 131st Street. The Sheriff's deputies continued to pursue the Honda. Deputy Vargas advised Deputy O'Brien that she thought she heard a shotgun being "racked" when the Honda hit their patrol vehicle the first time. She advised the other Sheriff's deputies of her observations by using the radio. The Honda accelerated to approximately 55 miles per hour as it drove over speed bumps, drove through two additional red lights, and when it reached Rosecrans Avenue, accelerated to speeds of approximately 60 to 65 miles per hour.

The Honda finally came to a stop eastbound on Arbutus Street, just past Kemp Avenue, in the city of Compton. Deputy O'Brien's patrol car stopped in the middle of the intersection and other patrol vehicles stopped directly behind him. As the deputies began to get out of their patrol cars and assume positions near Deputy O'Brien's car, the Honda quickly accelerated in reverse, slamming into the patrol car, causing Deputy O'Brien to fall back into the doorjamb. The Honda drove forward again, ran into the curb, then reversed, angled toward Deputy O'Brien's vehicle and clipped the front push-bar of the patrol car. The force from this collision caused Deputy O'Brien to fall backward into the driver's seat. The Honda's tinted windows prevented the deputies from observing the movements of its occupants.

Deputy O'Brien, fearing for his own safety and the safety of his assisting deputies, fired into the Honda. Deputy Montoya, who had taken cover behind his patrol car, also fired at the Honda. Howard continued to accelerate, crashed into Deputy [redacted] patrol vehicle, and continued in reverse toward Deputies Kimball, [redacted] and Varela. Deputies Kimball,

[redacted] and Varela, believing that Howard was trying to run them down, began firing at the Honda. Deputy Conley, who had assumed a position behind Deputy [redacted] patrol car, shot at the Honda, and continued shooting as the vehicle drove toward fellow deputies and struck a parked car. Deputy Willis, believing that the Honda had actually struck Deputy O'Brien, also shot at the Honda. Deputies O'Brien and Vargas fired a second volley of shots at the Honda.

The Honda hit a vehicle that was parked on Kemp Avenue. The deputies reported hearing the Honda's engine rev and observed the vehicle accelerate a second time toward Deputies Kimball, [redacted] and Varela. As the Honda accelerated directly toward these deputies, they each shot at the Honda. Deputies Kelley, Vargas, O'Brien and Montoya fired as well. The Honda struck two additional parked cars, accelerated in reverse and careened off the side of a parked car. Howard drove the Honda onto the front yard of a residence on Kemp Avenue and revved its engine at a high speed. The engine began to smoke. The Honda's engine then stopped and the engine compartment became engulfed in flames. Benny Norton, who had been seated in the passenger seat, got out of the Honda and was taken into custody. The driver, however, did not respond. The Deputies approached the Honda, broke its tinted windows so they could see inside the car, and observed Howard slumped in the driver's seat. Howard was then removed from the car.

Investigators interviewed Benny Norton. He stated that he knew Howard only casually and encountered him near the corner of 138th Street and Wilmington Avenue. Norton asked Howard to give him a ride to a liquor store at the corner of 124th Street and Wilmington Avenue. As they approached El Segundo Boulevard, Howard observed a Sheriff's patrol car. According to Norton, Howard stated, "I can't go back to jail." Howard told Norton that he had warrants, was on probation or parole, and had two strikes.[1] Howard further stated, "I ain't going out like this." Howard then "punched" the accelerator of the Honda. Norton stated that he was scared and asked Howard to let him out. Howard told him, "It was too late for that." Norton stated that Howard backed up his car and he heard gunfire. When Howard put the car in reverse again, he stated that "He was not going out like this." Howard continued to drive the car in reverse and back into cars.

Investigators, along with District Attorney personnel, canvassed the area of the shooting scene in an attempt to locate witnesses. Although investigators spoke to nineteen witnesses, few reported witnessing the shooting. Several stated that they heard vehicles driven at high rates of speed and gunshots. [redacted] reported observing the Honda backing out of Arbutus Street driving at a high rate of speed. She then heard the deputies advise the suspect to get out of the car, but the suspect ignored orders and

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[redacted]

continued driving in reverse. The Honda then backed into a police car. Ms [redacted] stated that she "got down" and did not see anything else, but heard "a lot of shooting."

When Sheriff's investigators arrived at the scene of the shooting, they found five patrol cars in the intersection of Kemp Avenue and Arbutus Street. They observed the damage to Deputy O'Brien's patrol car to include a shattered driver's door window and fresh paint transfer to the left front bumper. They observed the damage to Deputy [redacted] patrol car to include scrapes and fresh paint transfer to the left side of the car's push bar. Investigators observed gray paint chips lying the pavement near the patrol car. Numerous parked cars on Arbutus Street sustained sideswipe and direct collision damage. Investigators observed a total of 67 expended shell casings in and near the intersection of Arbutus Street and Kemp Avenue. These shell casings were matched to the nine Beretta semiautomatic pistols used as service weapons by the deputy sheriff's named as shooting officers in this letter.

Investigators also examined Howard's gray Honda Civic which had come to rest in the driveway and side yard of a residence on Arbutus Street. The Honda's hood was buckled and the hood's paint was burned off as the result of the engine fire. The front bumper, which appeared to have been wired to the frame of the Honda, had been pulled away. The Honda sustained damage from 37 bullet strikes. The side and rear of the Honda sustained collision damage.

Howard was taken to Martin Luther King Hospital where he died on November 10, 2001. His death was pronounced at 9:45 p.m. by Dr. Hughes. On November 16, 2001, Lee Bockhacker, M.D., Deputy Medical Examiner, performed an autopsy on the body of Lorenzo Howard. He ascribed the cause of death to multiple gunshot wounds. Howard suffered gunshot wounds to the chest, head, and shoulder. The toxicology report contained an analysis of Howard's post-mortem blood. His blood showed the presence the presence of 0.11 micrograms per milliliter of Cocaine and 1.4 micrograms per milliliter of Benzoylecgonine.

## CONCLUSION

The use of deadly force in self-defense or the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonable believed (1) that he or she, or the person he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid imminent death or great bodily injury. People v. Williams (1977) 75 Cal. App. 3d 731.

The evidence gathered in this investigation shows that Lorenzo Howard became involved in a dangerous pursuit with Sheriff's deputies. According to his passenger, Howard appeared to have panicked when he saw Deputy O'Brien's patrol car, stating that he was a "second striker," and vowed that he would "not go out like this." In the course of the pursuit, Howard attempted repeatedly to drive his car into patrol cars and at deputies who

had emerged from their cars in order to apprehend him. Nine deputies fired their weapons in order to save their own lives, and the lives of the other deputies who were in danger of being hit by Howard's car.

Given the rapidly evolving, immediately life-threatening circumstances surrounding this incident, it is the conclusion of this office that the deputies acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

LINDA REISZ
Deputy District Attorney
(213) 974-9905

c: Deputy Angelica Vargas, #[redacted]
Deputy John O'Brien, #[redacted]
Deputy Richard Conley, #[redacted]
Deputy Ezekiel Varela, #[redacted]
Deputy [redacted] #[redacted]
Deputy Neil Kimball, #[redacted]
Deputy Frank Montoya, #[redacted]
Deputy Anthony Willis, #[redacted]
Deputy Tina Kelly, #[redacted]